

RENTON CITY COUNCIL

Regular Meeting

June 8, 1998 Council Chambers
Monday, 7:30 p.m. Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

ROLL CALL OF COUNCILMEMBERS

BOB EDWARDS, Council President; RANDY CORMAN; TIMOTHY SCHLITZER; KING PARKER; DAN CLAWSON; KATHY KEOLKER-WHEELER; TONI NELSON.

CITY STAFF IN ATTENDANCE

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; JENNIFER TOTH HENNING, Senior Planner; LEE HARO, Transportation Planning Supervisor; STEPHEN ROLLE, Civil Engineer; DEREK TODD, Finance Analyst II; COMMANDER FLOYD ELDRIDGE, Police Department.

PRESS

Denis Law, *Renton Reporter*
Elizabeth Parker, *Renton Reporter*
Claire Booth, *South County Journal*

APPROVAL OF COUNCIL MINUTES

MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL APPROVE THE MINUTES OF JUNE 1, 1998, AS PRESENTED. CARRIED.

APPEAL Planning & Development Committee

Appeal Western Wireless
Monopole @ Shurgard Site
(AAD-97-149, CU-97-092)

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the appeal of the administrative conditional use permit for Western Wireless (File No. AAD-97-149, CU-97-092). On June 4, the Committee convened to consider the appeal of the Western Wireless Monopole II at the Shurgard site located at 1755 NE 48th Street. The applicant seeks to construct a Monopole II in the southeast corner of the subject location. Western Wireless is licensed to provide personal communication service. The proposed Monopole II will facilitate that service. The Monopole II will have a height of 85 feet, with a total of 12 panel antennas mounted on top of the structure (which will add 15 feet to the height of the Monopole II, for an overall height of 100 feet above ground level).

The Zoning Administrator determined that an administrative conditional use permit should be approved. That decision was appealed to the Hearing Examiner. That first appeal was remanded to the Zoning Administrator in December of 1997. Once again, the Zoning Administrator approved the conditional use permit. An appeal was filed a second time with the Hearing Examiner. Martin Seelig appealed the decision of the Zoning Administrator, claiming that the Monopole II should not be sited at the Shurgard location. Seelig and other neighboring property owners complained that this Monopole

II would reduce their property values due to the impairment of their views. Further, they complained that this area had its fair share of communication antennas, as the Shurgard site already had numerous lower profile antennas. The Hearing Examiner ruled in his decision of April 13, 1998, to reverse the decision of the Zoning Administrator and deny the conditional use permit. This appeal followed.

The City's Wireless Communications Ordinance permits Monopole II structures as a conditional use in the Commercial Arterial (CA) zone, but prohibits their location within 300 feet of residentially-zoned parcels. The proposed Monopole II will be located at the Shurgard storage site, which is zoned CA.

The adjoining property to the east (the Seelig property) is also zoned CA and could be developed with a retail, commercial or service use. That property is rectangular in shape and is 330 feet in width and approximately 660 feet in length.

Given the height of the proposed Monopole II, it is anticipated that one or two additional carriers could co-locate. Additionally, given the height and proximity to the airport, staff noted that FAA approval would be required for construction of the Monopole II.

Whether the FAA would require a light atop the Monopole II was unknown. Prior to the approval of the conditional use permit by the Zoning Administrator, Western Wireless had applied to the FAA for approval for construction of this Monopole II. It subsequently withdrew the application to the FAA and represented to the Zoning Administrator and the Hearing Examiner that the FAA would not require a light, based on information they had from a consultant.

The Committee considered the City's policies regarding the location of the telecommunication towers. The members of the Committee reaffirmed the City's policy to provide opportunity for the public to be served by the particular service provided by this Monopole II, personal communications service. These types of monopoles need to be located within three miles of each other to carry the signal without interruption. Further, the Committee considered the City's stated policy to have towers constructed to facilitate co-location by multiple carriers. This proposal serves that policy.

The Committee considered the fact that this is an appeal of an appeal. The Hearing Examiner's role was to sit in an appellate capacity when reviewing the decision of the Zoning Administrator. In that capacity he is not to convene the hearing anew (*de novo*). Rather, he is required to give deference to the decision of the Zoning Administrator and reverse that decision only if he found one of the provisions of RCC 4-8-11-B(4) applied. There is no such finding in the record.

The Committee found that the Hearing Examiner committed a substantial error of law. The Hearing Examiner did not give proper deference to the decision of the Zoning Administrator. Rather, he substituted his judgment for that of the Zoning Administrator. Having considered the evidence *de novo* he used an improper standard when considering the decision of the Zoning Administrator.

The Committee recommended that the Council reverse the decision of the Hearing Examiner. Further, the Committee recommended that the conditional use permit be granted with the following condition: The proposed Monopole

It shall be constructed without a light on the tower, consistent with testimony from Western Wireless contained in the record. If the FAA requires a light on the pole, the conditional use permit is null and void. In the event the conditional use permit is rendered void, Western Wireless may re-apply for a conditional use permit with the new information regarding the FAA requirement. MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1998 and beyond. Items noted included:

- * The Department of Fisheries approved an \$800,000 escrow account required as part of the mitigation elements for the hydraulic permit which is needed for the Cedar River flood control project.
- * The apparent high bid for the river dredge spoil materials is \$718,117.50. The material will be stockpiled at the Narco site until August 31, 1998.

AUDIENCE COMMENT

Citizen Comment Richter -
Veterans Memorial
Proposal

Marjorie Richter, 300 Meadow Ave. N., Renton, 98055, proposed that the City allow the establishment of a veterans memorial at the 3rd and Main St. site formerly occupied by the Holms building, next door to the Renton Historical Museum. Mrs. Richter said numerous groups such as the Veterans of Foreign Wars, Citizens for Piazza Renton, Allied Arts, and the Renton Historical Society support this proposal. Adding that such a project would give service people their long-delayed thanks, she hoped it could be completed by Renton's 2001 Centennial celebration.

Citizen Comment Henning - Sikh Temple Amplification of Services

Virginia Henning, 407 S. 51st Ct., Renton, 98055, complained about the amplification of services at the Sikh Temple on Talbot Hill, saying that the noise is a problem particularly on Sundays beginning early in the morning and continuing all day long. She asked if anything could be done about the speakers used to conduct services at this location.

Mayor Tanner agreed to look into this matter.

Citizen Comment Magula - Western Wireless Communication Tower at Shurgard Site

Michael Magula, 7917 - 111th Pl. SE, Newcastle, 98056, described how the view westward from his property will be negatively affected by the new Western Wireless communication tower to be installed on the Shurgard site. Using a photo simulation to show how the tower will appear from his property, Mr. Magula said that the issuance of the conditional use permit for this tower is contrary to certain provisions of Renton's Comprehensive Plan and to City regulations governing wireless communications facilities. Specifically, the tower will not be "sensitively sited," and photo simulations were not provided as required. Although Council has decided to allow this tower to be constructed, Mr. Magula hoped that other property owners will not be subjected to this type of

situation in the future.

Councilman Corman replied that while he was sympathetic to Mr. Magula's plight, federal law greatly restricts the City's ability to disallow communication towers. All Renton can do as a municipality is try to reduce the impacts as much as possible.

Citizen Comment DuBois - Pegi DuBois, 2907 Mountain View Ave. N., Renton, 98056, asked for additional information on the City's plans to acquire and clean up the Quendall Terminals property on Lake Washington. Mayor Tanner offered to provide Ms. DuBois with the press packet on this subject.

Citizen Comment Darst - Pat Darst, 2601 Edmonds Ave. NE, Renton, 98056, concurred in the proposal outlined earlier by Mrs. Richter that the City use the now-vacant Holms building site for a veterans memorial to honor all who have served their country.

MOVED BY CORMAN, SECONDED BY PARKER, COUNCIL REFER THIS MATTER TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.

Citizen Comment Painter - John Painter, 537 Smithers Ave. S., Renton, 98055, expressed concern that operators of ice cream trucks need only purchase a business license to operate in the City of Renton. He suggested that these types of businesses instead be required to obtain a peddler's license, which would ensure a background check of each applicant and also require that all vehicles used for solicitations and sales clearly identify the business.

MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL REFER THIS MATTER TO THE ADMINISTRATION AND THE FINANCE COMMITTEE. CARRIED.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

CAG 98-068, NW 7th St Sewer Replacement, Snelson Co City Clerk reported bid opening on 6/02/98 for CAG-98-068, NW 7th Street Sewer Replacement (Directional Drill); two bids; engineer's estimate \$180,83.25; and submitted staff recommendation to award the contract to the low bidder, Snelson Companies, Inc., in the total amount of \$145,694.50. Council concur.

Finance Audit Program for Misdirected or Uncollected Tax & Fee Revenues Finance and Information Services Department recommended instituting an audit program to recover misdirected and/or uncollected tax and fee revenue due to the City. Refer to Finance Committee.

Public Works SR-167 Culvert Construction, WSDOT Funding (CAG-98- Surface Water Utility Division recommended approval of a state participation agreement in the amount of \$85,000 with the Washington State Department of Transportation (WSDOT) for the SR-167 (84th Ave. S. to Grady Way) culvert construction project. Council concur. (See page 203 for resolution.)

MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

CORRESPONDENCE

Executive Adult Retail
Outlet Location
Restrictions

Correspondence was read from Mayor Tanner to the City Council reporting that according to the City Attorney's Office, evidence exists of negative secondary effects related to adult retail outlets. As these negative secondary effects are inconsistent with the City's plans to upgrade its business core and residential districts, he suggested that the City embark upon the process to regulate the location of these businesses in Renton. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL REFER THIS ITEM TO THE PLANNING & DEVELOPMENT COMMITTEE. CARRIED.

Citizen Comment HR&RM
- Local #2170 Concern re
Non-Regular Employees

Correspondence was read from the Washington State Council of County and City Employees Local #2170, PO Box 750, Everett, 98206, expressing concern over the increasing use of limited term and other non-regular employees by the City. MOVED BY EDWARDS, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THIS MATTER TO THE ADMINISTRATION AND THE COMMITTEE OF THE WHOLE FOR INCLUSION IN BUDGET DELIBERATIONS.*

Mayor Tanner emphasized that the positions referred to (in the Development Services Division) are regular, though limited in term. This means that the persons hired for them will receive full City benefits. He committed to making these positions permanent after two years, should they still be needed at that time.

Responding to Councilman Corman, Mayor Tanner said since these positions are not now permanent in nature, they are not eligible for union membership. He agreed that this was a valid negotiating point that the union can raise during the next bargaining talks.

*MOTION CARRIED.

Citizen Comment Darst -
Veterans Memorial
Proposal

Correspondence was read from Pat Darst, 2601 Edmonds Ave. NE, Renton, 98056, regarding the proposed veterans memorial. MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL REFER THIS LETTER TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.

OLD BUSINESS
Committee of the Whole
Council Quendall
Terminals Acquisition and
Cleanup

Council President Edwards presented a report recommending that Council authorize the Administration to sign the purchase and sale agreement with Altino Properties and J.H. Baxter Co. and investigate the feasibility of taking title to the Quendall Terminals property for the purpose of cleaning up the property and restoring it to a usable site. It is understood that final action on this matter will be brought back to Council after all of the contingencies have been investigated and a risk assessment has been completed. The Committee further recommended that Council appropriate \$218,370 for this project in the 1998 fiscal year. \$107,500 will be included

in the Administration's proposed 1999 budget. MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation Committee

Transportation N 30th St/Park Ave N Preliminary Sidewalk Design, H.W. Lochner, Inc., CAG-98-

Transportation (Aviation) Committee Chair Schlitzer presented a report recommending that Council authorize the Mayor to execute a task order agreement with H.W. Lochner, Inc. to conduct design of the North 30th Street and Park Avenue North walkway project. This project is a budgeted item under the City's Walkway Program (TIP Project #5). MOVED BY SCHLITZER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation Renton Urban Shuttle (RUSH) Service

Transportation (Aviation) Committee Chair Schlitzer presented a report recommending that Council support the continued operation of the RUSH shuttle under the current operating characteristics. To continue RUSH operations, the Committee recommended that Council direct Staff to work with the King County Department of Transportation (Metro) to develop an operating agreement for continued RUSH operations for a two-year period. MOVED BY SCHLITZER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation Six-Year TIP, 1998-2004

Transportation (Aviation) Committee Chair Schlitzer presented a report regarding the 1998-2004 Six-Year Transportation Improvement Program (TIP). The Committee has reviewed the proposed TIP and the associated mid-year budget adjustments, and recommended that a public hearing be held on June 22, 1998 to consider adoption. MOVED BY SCHLITZER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance Committee

Transportation Program Development Coordinator I Step Change

Finance Committee Chair Parker presented a report recommending that Council approve the Transportation System Division's request to fill the vacant Program Development Coordinator position at Step E of the salary range. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation Civil Engineer II Step Change

Finance Committee Chair Parker presented a report recommending that Council approve the Transportation System Division's request to fill the vacant Civil Engineer II position at Step E of the salary range. MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Development Services New Positions (Two Inspectors)

Finance Committee Chair Parker presented a report regarding the request from the Building and Code Compliance sections of the Development Services Division for two full-time, limited term employees. The first position is a Plans Examiner/Combination Inspector at Grade 18, Step C, and the second position is a Land Use

Compliance Inspector, also at Grade 18, Step C. Both positions are requested for approximately one and one-half years, through the end of 1999. The addition of these limited term employees will allow the sections to maintain a current level of efficiency and productivity, as they have been faced with increased work volumes. The amount required to retain these employees is \$124,100 plus automobiles, which includes salary and benefits for the duration of their tenure. MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claims Vouchers #159892 - 160338 in the amount of \$2,412,252.13; and approval of Payroll Vouchers #160048 - 160339 and 503 direct deposits in the total amount of \$1,289,617.02. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

HR&RM 1998 Renewal of Service Broker Agreements

Finance Committee Chair Parker presented a report recommending concurrence in the staff recommendation to renew services of broker agreements for The Charles Group, Inc., Arthur J. Gallagher & Co. (Denver), and Giesy, Greer & Gunn, Inc. for 1998. MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Public Works Sidewalk Construction/Restoration Funding Allocation

Finance Committee Chair Parker presented a report recommending concurrence in the staff recommendation that Council approve the use of \$250,000 of Fund 215 (General Governmental Miscellaneous Debt) money for the purpose of restoring and repairing existing sidewalks and building new sidewalks in residential areas that currently do not have sidewalks. This action would provide supplemental funding for the Neighborhood Sidewalk Program, and enable sidewalk improvements to be constructed in neighborhoods throughout the City.

Previously approved funding for Phase I of the 1998 Neighborhood Sidewalk Program will be primarily dedicated to sidewalk improvements requested by the Highlands Neighborhood Group, and to perform the design of new sidewalks for Park Ave. from N. 28th St. to N. 38th St., and along N. 30th St. from Burnett Ave. N. to I-405 in Kennydale.

The currently proposed funding for Phase II of the 1998 Neighborhood Sidewalk Program will be used to supplement a Transportation Improvement Board grant of \$100,000 to construct the previously-mentioned sidewalks along Park Ave. and N. 30th St. in Kennydale (construction to be done in 1999), and for rehabilitation and repair of sidewalks that pose a safety risk to pedestrians in the Rolling Hills, Tiffany Park and Victoria Park neighborhoods. MOVED BY PARKER, SECONDED BY

KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

EDNSP Pavilion Building Improvements

Finance Committee Chair Parker presented a report recommending concurrence in the recommendation of the Economic Development, Neighborhoods and Strategic Planning Department in the appropriation of \$200,000 from the unallocated fund balance in reserve for the piazza project to complete necessary improvements to the Pavilion building. The Committee further recommended that the ordinance regarding this matter be presented for first reading. MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 203 for ordinance.)

Utilities Committee
Utility Seattle Water Franchise Agreement, CAG-98-

Utilities Committee Chair Clawson presented a report concurring in the staff recommendation to approve three documents: an interlocal agreement; an agreement for the transfer of water service from the City of Seattle to the City of Renton to serve Boeing; and a water purveyor contract between the City of Seattle and the City of Renton for the sale of wholesale water and emergency water supply by Seattle to Renton.

The Committee recognized that more work needs to be done in regard to the fourth document, a lease agreement. Staff is still negotiating item #2 of this agreement (titled "Renton's Use of the Leased Land") with the aim of altering the language to secure Renton's use of the surface of Seattle's Cedar River pipeline for the proposed public piazza park and the public parking lot including access to the Dally development located north of S. 3rd Street and between Burnett and Morris Avenues South. Provision 3.2 of the lease agreement must be revised to remove Renton's obligation to provide written agreements to Seattle indicating the current leaseholders' willingness to relinquish the leases. Seattle's right to terminate the lease at its sole discretion, as provided in item 15.2 of the lease agreement, will also require revision. Conditioned upon satisfactory resolution of these items, the Utilities Committee recommended concurrence in the staff recommendation to approve this lease agreement as well.

The Committee further recommended that the Mayor and City Clerk be authorized to execute these agreements upon their approval by the City Attorney and satisfactory revision of the lease agreement as previously described. The Committee further recommended that upon approval of the City Attorney and satisfactory revision of the lease agreement, the resolution regarding these agreements be presented for reading and adoption.

The Committee noted that it is important to conclude this process and implement the agreements by August 1, 1998, or as soon as both Seattle and Renton pass their respective legislation accepting the agreements. Staff reports that this date is realistic and achievable. Seattle is progressing with approval of the documents to meet this timeline as well.

MOVED BY CLAWSON, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Planning & Development Committee

Council Suburban Cities Questionnaire

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the Suburban Cities Survey. The Committee reviewed the survey information to be provided to the Suburban Cities Association (SCA) regarding regional finance and governance issues. The Committee proposed some minor modifications and additions to the Administration. These modifications and additions were included in the final draft of the survey that was delivered along with a signed cover letter to the SCA on Friday, June 5, 1998. The cover letter was signed by both the Mayor and the Council President. MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Community Services Committee

Executive Special Events/Volunteer Coordinator, Sonja Mejlaender, CAG-98-

Community Services Committee Chair Nelson presented a report regarding the recommendation of the Executive Department that the contract of the volunteer coordinator be combined with that of special events coordination for one 12-month contract for services in the amount of \$45,000. The Committee recommended concurrence in the staff recommendation to approve this contract for volunteer/special events coordination services with Sonja Mejlaender. The Committee further recommended that the contract be managed by the Community Relations Specialist in the Executive Department. MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

ORDINANCES AND RESOLUTIONS

The following resolutions were presented for reading and adoption:

Resolution #3329

Streets Monster Road Bridge Temporary Closure (Monster Rd SW to SR-900)

A resolution was read authorizing the temporary closure of the Monster Road bridge between Monster Road SW and SR-900 (Martin Luther King, Jr. Way) for roadway construction. MOVED BY EDWARDS, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

Resolution #3330

Public Works SR-167 Culvert Construction, WSDOT Funding (CAG-98-

A resolution was read authorizing the Mayor and City Clerk to enter into a state participating agreement with the Washington State Department of Transportation (WSDOT) for the SR-167 (84th Ave. S. to S. Grady Way) culvert construction project at the intersection of SR-167 and SW 23rd St., if extended. MOVED BY EDWARDS, SECONDED BY SCHLITZER, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

The following ordinance was presented for first reading and referred to the Council meeting of 6/15/98 for second and final reading:

EDNSP Pavilion Building Improvements

An ordinance was read providing for 1998 Budget amendments in the amount of \$200,000 for capital

improvement projects (expenditures related to the downtown park area known as the Piazza). MOVED BY EDWARDS, SECONDED BY PARKER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 6/15/98. CARRIED.

Ordinance #4726

Police Ordinance
Outlawing Shooting Bows,
Air Guns or Slingshots at
Animals

An ordinance was read amending Section 6-2-2 of Chapter 2, Air Guns, of Title VI (Police Regulations) of City Code by correcting a typographical error and by adding a subsection making it unlawful for any person to shoot a bow, air gun or slingshot at any animal or fowl. MOVED BY CORMAN, SECONDED BY SCHLITZER, COUNCIL ADOPT THE ORDINANCE AS PRESENTED. ROLL CALL: ALL AYES. MOTION CARRIED.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL ADJOURN. CARRIED. Time: 8:38 p.m.

MARILYN J. PETERSEN, CMC, City Clerk

Recorder: Brenda Fritsvold
6/08/98